



#12 E28331)
Esmw 8-25-03



Docket No.: 232362US28X

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTORNEYS AT LAW

RE: Application Serial No.: 09/474,299

Applicants: Marcel F SCHEMMANN, et al.

Filing Date: December 29, 1999

For: DWDM CATV RETURN SYSTEM WITH UP-
CONVERTERS TO PREVENT FIBER CROSSTALK

Group Art Unit: 2633

Examiner: KIM, D.

#12

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Technology Center 2600

SIR:

Attached hereto for filing are the following papers:

SECOND RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599



22850

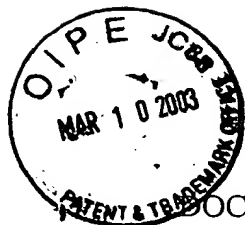
(703) 413-3000 (phone)

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James J. Kulbaski

Registration No. 34,648



#13 Election
Enw 8-25-03

POCKET NO.: 232362US28X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Marcel F SCHEMMANN, et al. :

EXAMINER: KIM, D.

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SECOND RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

ASSISTANT COMMISSIONER FOR PATENTS-
WASHINGTON, D.C. 20231

SIR:

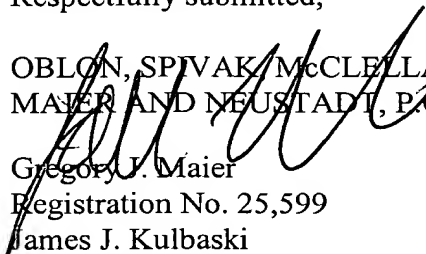
In response to the Office Action dated February 7, 2003, Applicants re-elect the species depicted in Figure 11 of the present application (i.e., "Species 4", as designated by the Examiner). Applicants respectfully submit that Species 4 covers Claims 1-4, 9-12, 14-16, 18, 19, 21, and 23-27 of the present application. Accordingly, Applicants submit that a proper election of species under 35 U.S.C. 121 has been made and that the Examiner's concerns have been addressed.



Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER AND NEUSTADT, P.C.


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JJK:CHY/pch

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